

## REMARKS

### I. Introduction

In response to the Office Action dated November 17, 2006, claims 1, 9, and 16 have been amended and new claims 24-26 have been added. Claims 6-8, 14-15, and 21-23 were previously withdrawn. Claims 1-5, 9-13, 16-20, and 24-26 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

### II. Interview Summary

On January 30, 2007, an interview was conducted with Examiner Jared Rutz, Inventor Jack Bayt, Jason S. Feldmar (attorney for Applicant, Reg. No. 39,187), Steven Guttman (Director of Intellectual Property for Applicant, Reg. No. 55,234), and Jennifer Daehler (IP Counsel for Applicant Assignee).

Applicants appreciate the time and effort taken by the Examiner in discussing the invention and the prior art.

The present invention and claims in view of the cited prior art were discussed. Agreement was reached in that the amendments above were indicated as likely to overcome Peckham in view of Chu (the two currently cited references).

Should the Examiner or the Patent Office need any further information or desire to discuss the case in any further detail to resolve any outstanding matter, Applicants encourage the Examiner to contact Applicant's Attorney to conduct a teleconference.

### III. Non-Art Rejections

In paragraphs (3)-(4) of the Office Action, claims 16-20 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

In accordance with the recommendations in the Office Action, Applicant has amended claim 16 to remove "media, carrier, or signal" from the text of the specification. In addition, Applicants note that the claimed invention was not intended to include a media carrier or signal as a computer readable medium.

#### IV. Prior Art Rejections

In paragraphs (4)-(9) of the Office Action, claims 1-3, 9-11, and 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Peckham (US 2004/0068503) in view of Chu (US 5,734,892).

Specifically, independent claims 1 and 16 were rejected as follows:

**7. With respect to claims 1 and 16,** Peckham discloses a method for managing memory and an article of manufacture comprising a program storage medium readable by a computer and embodying one or more instructions executable by the computer to perform a method for managing memory, the method comprising:

- breaking up a file into two or more memory blocks [0004, lines 1-2, each memory block is a 256-MB region; 0047, lines 1-4; AIX operating system used to manage blocks];
- managing the two or more memory blocks as nodes in a heap tree (Figs. 4A-4D) [0004, lines 2-8; 0031-0033; 0041-0042; the 256-MB regions are nodes pointed to by regional control blocks];

Peckham does not disclose the limitation wherein the method further comprises:

- independently compressing one or more of the two or more memory blocks without reprocessing the file.

However, Chu discloses the limitation wherein the method further comprises:

- independently compressing one or more of the two or more memory blocks without reprocessing the file (column 2, lines 22-41).

Peckham and Chu are analogous art because they are from the same field of endeavor, namely file block management.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine compressing a single modified block of a file without recompressing the whole file of Chu with the file management system of Peckham. The motivation for doing so would have been "for efficient allocation of, and access to, stored compressed data files" (column 2, lines 10-11). Therefore, it would have been obvious to a person of ordinary skill in the art to combine Peckham with Chu for the benefit of a file management system that compresses single blocks of data files when they are modified as specified in claim 1.

Applicant traverses the above rejections for one or more of the following reasons:

- (1) Neither Peckham or Chu teach, disclose or suggest the use of an existing file that has already been created by an operating system and using such a file for memory for an application;
- (2) Neither Peckham or Chu teach, disclose or suggest the breaking up of an existing file into memory blocks that are managed as nodes in a heap tree for memory for an application;
- (3) Neither Peckham or Chu teach, disclose or suggest allocating memory blocks in a file for use by an application; and
- (4) Neither Peckham or Chu teach, disclose or suggest independently compressing a memory block without compressing an entire file.

Independent claims 1, 9, and 16 are generally directed to managing memory as a heap. More specifically, an existing file is broken up into multiple memory blocks. The blocks are then managed as nodes in a heap tree. In this regard, a request for storage is received from an application. Blocks in the file are then allocated for use by the application. Lastly, that individual memory blocks are independently compressed without compressing/recompressing the entire file.

As discussed during the interview with the Examiner, the invention is directed towards the use of an already existing file that is used to manage memory as a heap and is not directed towards the level of an operating system wherein a file is being initially created. The specification of the present invention clearly describes how the invention is on top of the operating system and the application utilizes the heap as an API (see paragraph [0032] of the originally filed application).

In addition, Peckham completely fails to describe, explicitly or implicitly, the compression of any memory blocks whatsoever. In this regard, an electronic search of Peckham for the term “compress” provides no results whatsoever. Without even mentioning the term “compress”, Peckham cannot possibly teach, disclose, or suggest the independent compression of different memory blocks in a file.

In addition, Chu and the other cited references fail to cure Peckham’s deficiencies.

Moreover, the various elements of Applicant’s claimed invention together provide operational advantages over the cited references. In addition, Applicant’s invention solves problems not recognized by the cited references.

Thus, Applicant submits that independent claims 1, 9, and 16 are allowable over the cited references. Further, dependent claims 2-5, 10-13, and 17-20 and new claims 24-26 are submitted to be allowable over the cited references in the same manner, because they are dependent on independent claims 1, 9, and 16, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-5, 10-13, 17-20, and 24-26 recite additional novel elements not shown by the cited references.

V. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

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